

MINUTE ITEM

14. APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS IN SAN PABLO BAY AT THE MOUTH OF PETALUMA CREEK, MARIN COUNTY, CHARLES T. HOVER - W.O. 3059, P.R.C. 2397.1.

Following presentation of Calendar Item 25 attached, Mr. Dave Allen appeared on behalf of the applicant, Mr. Charles T. Hover, and requested favorable consideration of the application.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A 15-YEAR LEASE AT AN ANNUAL RENTAL OF \$298.32 TO CHARLES T. HOVER FOR THE DREDGING OF A CHANNEL TO A DEPTH OF SIX FEET BELOW MEAN LOWER LOW WATER, FOR THE CONSTRUCTION OF AN EMBANKMENT OR BERM ON THE CREEK AND BAY SIDES OF THE CHANNEL, AND FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF DOCKS AND MOORINGS BY THE ADJACENT LANDOWNERS, SUCH USES TO BE WITHIN THE BOUNDARIES OF THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT A POINT THAT IS DISTANT N. 12° 14' 27" E. 400.00 FEET FROM THE STATION 43-A OF THE SURVEY OF ACCRETED LANDS MADE BY THE STATE, AND RECORDED JUNE 23, 1955, IN VOLUME NO. 2, PAGE 17, AND RUNNING THENCE ALONG THE LINE OF SAID SURVEY, S. 77° 12' 43" E. 153.18 FEET, S. 35° 13' 03" E. 249.70 FEET, S. 35° 46' 21" E. 198.44 FEET, S. 59° 55' 53" E. 197.59 FEET, S. 19° 32' 12" E. 164.47 FEET, S. 75° 36' 23" E. 116.66 FEET, S. 53° 59' 33" E. 212.62 FEET, S. 47° 42' 02" E. 150.07 FEET, S. 68° 35' 13" E. 273.91 FEET, S. 42° 17' 42" E. 179.80 FEET, S. 30° 05' 23" E. 123.66 FEET, S. 47° 23' 09" E. 23.80 FEET; THENCE LEAVING SAID LINE AND RUNNING N. 86° 13' 10" E. 167.03 FEET TO THE MOST NORTHERLY POINT OF DAY'S ISLAND; THENCE ALONG THE EASTERLY LINE OF DAY'S ISLAND, S. 27° 36' 50" E. 132.00 FEET, S. 16° 58' 10" W. 830.00 FEET, S. 23° 28' 10" W. 737.00 FEET, S. 51° 43' 10" W. 187.00 FEET, S. 19° 43' 10" W. 500.00 FEET TO THE NORTHERLY LINE OF THE LANDS OF SARTORI; THENCE ALONG SAID LINE EXTENSION THEREOF, S. 87° 53' W. 1000.00 FEET; THENCE LEAVING SAID LINE, N. 6° 16' E. 2380.00 FEET MORE OR LESS TO A POINT THAT BEARS S. 53° 21' E. FROM THE POINT OF BEGINNING; THENCE N. 53° 21' W. 2625.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 56.6 ACRES MORE OR LESS.

THE LEASE SHOULD ALSO PROVIDE FOR (1) TWO CONSECUTIVE RENEWAL PERIODS OF 10 YEARS EACH UPON SUCH REASONABLE TERMS AS THE COMMISSION MAY THEN IMPOSE, AND (2) A \$5,000 PERFORMANCE BOND GUARANTEEING SITE CLEARANCE AND COMPLIANCE WITH OTHER REQUIREMENTS AND CONDITIONS OF THE STANDARD LEASE FORM.

Attachment
Calendar Item 25 (2 pages)

CALENDAR ITEM

25.

APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS IN SAN PABLO BAY AT THE MOUTH OF PETALUMA CREEK, MARIN COUNTY, CHARLES T. HOVER - W.O. 3059.

An application has been received from Charles T. Hover, pursuant to Section 6502 of the Public Resources Code, for a lease of approximately 56.6 acres of tidal flats and marsh lands adjacent to Day's Island in Petaluma Creek and San Pablo Bay in Marin County. The area would be an adjunct to the development of an onshore Marina-type residential subdivision. A channel, navigable by small boats would be dredged through the 56.6-acre parcel to a depth of six feet below mean lower low water, and an embankment or berm would be constructed on the creek and bay sides of the leased area for the protection of the channel and for the construction, maintenance, and use of docks and moorings to be utilized by the adjacent landowners.

The property is located 25 miles north of the Golden Gate Bridge and 12 miles from San Rafael in an area devoted to agriculture. Because of the existence of mud flats and very shallow waters in the adjacent bay, access by small boats from natural deep water in the bay to the property in question may be gained at this time only by following approximately five miles of channel dredged by the Corps of Engineers.

Staff appraisal of the site has resulted in a valuation of \$4,520, and a calculated annual rental of \$298.32 for a 15-year lease. The lease would include provision for renewal for two consecutive periods of 10 years each, upon such reasonable terms as the Commission might then impose, and would require a \$5,000 performance bond guaranteeing site clearance and compliance with other terms of the standard lease form.

This matter was set over at the Commission meeting of March 25, 1959, pursuant to a request by Senator John F. McCarthy of Marin County, to permit Marin County agencies to review the compatibility of the proposed project in conjunction with any county program for public interest recreational developments. By letter of April 14, 1959, Senator McCarthy has advised that all questions of compatibility have been resolved with the Marin County public agencies concerned, and has requested that the application of Mr. Hover be given favorable consideration by the Commission.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A 15-YEAR LEASE AT AN ANNUAL RENTAL OF \$298.32 TO CHARLES T. HOVER FOR THE DREDGING OF A CHANNEL TO A DEPTH OF SIX FEET BELOW MEAN LOWER LOW WATER, FOR THE CONSTRUCTION OF AN EMBANKMENT OR BERM ON THE CREEK AND BAY SIDES OF THE CHANNEL, AND FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF DOCKS AND MOORINGS FOR USE BY THE ADJACENT LANDOWNERS, SUCH USES TO BE WITHIN THE BOUNDARIES OF THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT A POINT THAT IS DISTANCE, N. 12° 14' 27" E. 400.00 FEET FROM THE STATION 43-A OF THE SURVEY OF ACCRETED LANDS MADE BY THE STATE, AND RECORDED JUNE 23, 1955, IN VOLUME NO. 2, PAGE 17, AND RUNNING THENCE ALONG THE LINE OF SAID SURVEY, S. 77° 12' 43" E. 153.18 FEET, S. 35° 13' 03" E. 249.70 FEET, S. 35°

CALENDAR ITEM 25. (CONTD.)

46' 21" E. 198.44 FEET, S. 59° 55' 53" E. 197.59 FEET, S. 19° 32' 12" E. 164.47 FEET, S. 75° 36' 23" E. 116.66 FEET, S. 53° 59' 33" E. 212.62 FEET, S. 47° 42' 02" E. 150.07 FEET, S. 68° 35' 13" E. 273.91 FEET, S. 42° 17' 42" E. 179.80 FEET, S. 70° 05' 23" E. 123.66 FEET, S. 47° 23' 09" E. 23.80 FEET; THENCE LEAVING SAID LINE AND RUNNING N. 86° 13' 10" E. 167.03 FEET TO THE MOST NORTHERLY POINT OF DAY'S ISLAND; THENCE ALONG THE EASTERLY LINE OF DAY'S ISLAND, S. 27° 36' 50" E. 132.00 FEET, S. 16° 58' 10" W. 830.00 FEET, S. 23° 28' 10" W. 737.00 FEET, S. 51° 43' 10" W. 187.00 FEET, S. 19° 43' 10" W. 500.00 FEET TO THE NORTHERLY LINE OF THE LANDS OF SARTORI; THENCE ALONG SAID LINE EXTENSION THEREOF, S. 87° 53' W. 1000.00 FEET; THENCE LEAVING SAID LINE, N. 6° 16' E. 2380.00 FEET MORE OR LESS TO A POINT THAT BEARS S. 53° 21' E. FROM THE POINT OF BEGINNING; THENCE N. 53° 21' W. 2625.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 56.6 ACRES MORE OR LESS.

THE LEASE SHOULD ALSO PROVIDE FOR (1) TWO CONSECUTIVE RENEWAL PERIODS OF 10 YEARS EACH UPON SUCH REASONABLE TERMS AS THE COMMISSION MIGHT THEN IMPOSE, AND (2) A \$5,000 PERFORMANCE BOND GUARANTEEING SITE CLEARANCE AND COMPLIANCE WITH OTHER REQUIREMENTS AND CONDITIONS OF THE STANDARD LEASE FORM.